IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:- 22.11.2007

Coram:-

The Hon'ble Mr. Justice P.D.DINAKARAN
and
The Hon'ble Mr. Justice R.REGUPATHI

Writ Appeal No.2041 of 2003
and
W.A.M.P. No.2864 of 2003

G.Chinnasamy ... Appellant/4th Respondent in WP.No. 12315 of 2002

vs.

1. G.Krishnaswamy ... Respondent/Petitioner in WP.No. 12315/2002

2. The Divisional Engineer,
Tamil Nadu Electricity Board,
Palladam, Coimbatore District.

3. The Assistant Executive Engineer,
Tamil Nadu Electricity Board, Pongalur,
Coimbatore District.

4. The Assistant Engineer,
Rural/Supply, Coimbatore,
Electricity Distribution
Circle/South, Pongalur,
Coimbatore District. ... Respondents/Respondents in WP.No. 12315/2002

Appeal under Clause 15 of the Letters Patent as against the order of the learned single Judge, dated 23.04.2003, made in W.P. No.12315 of 2002.

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W.P.No. 12315/2002:

Writ of mandamus direcing the respondents 1 to 3 herein not to shift the electricity space connection from S.No. 529 to S.No. 474/1 on Thopampatti Village, Tiruppur Taluk, Coimbatore District in favour of 4th respondents.

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For Appellant : Mr.V.Bhiman
For Respondents: Mr.S.N.Kripanandam

J U D G M E N T
(Delivered by P.D.DINAKARAN, J.)

The appellant is the fourth respondent in W.P. No.12315 of 2002, wherein, the writ petitioner/1st respondent herein sought for the issuance of a writ of mandamus, directing respondents 1 to 3 not to shift the electricity service connection from Survey No.529 to Survey No.474/1 in Thottampatti Village, Thiruppur Taluk, Coimbatore District, in favour of the fourth respondent.

2. Concededly, there is a dispute as to the ownership of the Well in question in between the appellant and his brother, R-1 in the Writ Appeal/writ petitioner. Learned single Judge, while disposing of the Writ Petition, by order dated 23.04.2003, rightly permitted the writ petitioner/1st respondent as well as the fourth respondent/appellant herein to produce whatever material documents available with them before respondents-1 to 3/Electricity Board in proof of their ownership and in turn directed the Board to give electricity connection on being satisfied as to the correctness of the documents produced, in accordance with law. However, while giving such direction, the learned Judge also directed respondents-1 to 3 to disconnect the electricity service connection provided to the well located in S.F. No.474/1. Aggrieved by the said direction of the learned Judge to disconnect the existing service connection, the appellant/4th respondent preferred the present Writ Appeal.

3. It is not in dispute that, by virtue of the interim order passed in W.A.M.P. No.2864 of 2003 on 27.05.2003, the appellant/4th respondent continues to avail the benefit of electricity connection to the Well in question. That being so, we do not see any justification in ordering disconnection of the service connection, which would prejudice the interest of the appellant and affect his agricultural operations. Therefore, suffice it to modify the order of the learned single Judge, dated 23.04.2003, to the extent that, while permitting both the parties viz., appellant and the 1st respondent herein to produce the documents to establish their ownership, status quo shall be maintained till decision is taken as regards ownership on the basis of the genuineness/correctness of the documents produced before respondents-1 to 3.

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Writ Appeal is disposed of accordingly. No costs. Connected Miscellaneous Petition stands closed.
JI.

Sd/
Asst. Registrar

/true copy/

Sub Asst.Registrar

To

1. The Divisional Engineer, Tamil Nadu Electricity Board, Palladam, Coimbatore District.

2. The Assistant Executive Engineer, Tamil Nadu Electricity Board, Pongalur, Coimbatore District.

3. The Assistant Engineer, Rural/Supply, Coimbatore, Electricity Distribution Circle/South, Pongalur, Coimbatore District.

+ One cc to Mr. V.Bhiman, Advocate SR 69422
ASM (co)
sg 12/12/07

W.A. No.2041 of 2003 and
W.A.M.P. No.2864/2003.
22.11.2007.

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